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Hon. Judge Jed S. Rakoff  
United States District Judge  
United States Courthouse  
500 Pearl Street  
New York, NY 10007  
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Re: United States v. Jatiek Smith, et al  
20-CR-00323 (JSR)

Dear Judge Rakoff:

On behalf of all defendants and their counsel in this matter, I respectfully request that Your Honor appoint Ms. Julie de Almeida, Esq. as the Coordinating Discovery Attorney (CDA) under 18 U.S.C. §3006A(b).

The Administrative Office of the U.S. Courts, Defender Services Office (DSO) funds a program to assist Criminal Justice Act Panel attorneys and Assistant Federal Public Defenders in matters involving voluminous electronic discovery. Under this program, DSO pays the fees of an attorney under contract with DSO and appointed by the Court to serve as Coordinating Discovery Attorney. A Coordinating Discovery Attorney reduces the time and money expended by appointed counsel in organizing, storing, reviewing and distributing voluminous discovery in complex matters like this one. Ms. De Almeida is under contract with DSO to work as a Coordinating Discovery Attorney. Attached as Exhibit 1 is a true and correct copy of Defender Services' June 2018 announcement to the judiciary on the availability of Coordinating Discovery Attorneys. Although the cost of her time would be paid by DSO, some of her work requires the help of outside litigation support technology companies. For those services, she will petition this Court for funds.

The Superseding Indictment charges six defendants in thirty-five counts of fraud, narcotics trafficking and acts of violence, including acts involving murder and assault. Five of the six defendants are represented by CJA counsel and it is likely that the sixth defendant may

switch to appointed counsel in the near future. All counsel requests the appointment of a CDA to this matter due to the volume and complexity of the discovery.

The Indictment charges ten defendants in two counts in a four-year long RICO conspiracy to commit extortion, fraud, witness tampering and obstruction of justice. All defendants are represented by CJA counsel. To date, no discovery has been produced. However, the first discovery deadline is set for August 16, 2022 and motions are due of November 21, 2022. The discovery consists of two months of Title III wiretaps on at least three target lines, multiple subpoena and search warrant returns as well as dozens of social media accounts. There will also be surveillance video and investigative and local police reports. All counsel will benefit from the appointment of a CDA at the initial discovery production to assist in organizing and assessing the content and volume of discovery. Due to the anticipation of this large volume of discovery counsel seek the assistance of Ms. De Almeida as a Coordinating Discovery Attorney. I have discussed with Ms. de Almeida the nature of the global discovery which is expected and she is available to assist.

None of the defense counsel has the same level of experience managing discovery as Ms. De Almeida. Ms. de Almeida's role would be that of a consultant providing expert services. She will advise counsel of the most efficient ways to organize the discovery and implement a discovery management plan. She will organize the discovery and produce tools on an ongoing basis for court-appointed counsel that help them more quickly locate discovery relevant to the search terms they use. Her work could save substantial time and costs in assessing and organizing the discovery, as opposed to all defense counsel and their staff learning about the tools to analyze such a large volume of materials, avoiding duplicative efforts.

Ms. de Almeida's role as a Coordinating Discovery Attorney is to strategize and provide support services to defense counsel, while maintaining evidentiary integrity. Ms. de Almeida, as a lawyer, is aware of the need to avoid conflicts of interest. To avoid any conflicts, her work is limited as a consultant providing support services and not as co-counsel for the defendants. She will not provide representational services or otherwise establish an attorney-client relationship with any of the defendants.

CDA work typically includes:

- Managing and distributing discovery produced by the Government and relevant third-party information common to all defendants;
- Assessing the amount and type of case data to determine what types of technology should be evaluated and used so duplicative efforts are avoided and the most efficient and cost-effective methods are identified;
- Acting as a liaison with federal prosecutors to ensure the timely and effective exchange of discovery;

- Identifying, evaluating, and engaging third-party vendors and other litigation support services;
- Assessing the needs of individual parties and identifying any additional vendor support that may be required—including copying, scanning, forensic imaging, data processing, data hosting, trial presentation, and other technology depending on the nature of the case;
- Identifying any additional human resources that may be needed by the individual parties for the organization and substantive review of information;
- Providing training and support services to the defense teams as a group and individually.

Ms. De Almeida has been appointed as a Coordinating Discovery Attorney in approximately 45 federal cases in the Southern and Eastern Districts of New York. Besides the Southern District of New York, Ms. de Almeida has assisted with complex multiple defendant cases that have substantial amounts of discovery in California, Nevada, Kansas, Virginia, Georgia, Puerto Rico, Oregon, Florida, Texas, Tennessee, Michigan, Vermont, New Jersey, Pennsylvania, Massachusetts, and Missouri. A true and correct copy of her resume is attached as Exhibit 2.

For the reasons set forth above, a proposed Order appointing Ms. Julie de Almeida, Esq. as the Coordinating Discovery Attorney is enclosed for Your Honor's consideration. Ms. de Almeida will necessarily be communicating with the Government's prosecutorial staff in obtaining and working with the discovery, and it will assist her – as it has on other CDA cases – if the Order appointing her is filed on the ECF system so that all parties involved in the case are notified, without disclosing the details of the work she will be performing on behalf of defense counsel and their clients.

Thank you for Your Honor's consideration

Respectfully submitted,

*Lisa Scolari*

Lisa Scolari Attorney for Kaheen Small